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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,386	12/05/2003	Bernd Lassen	HK-783	9258
7590	03/14/2006		EXAMINER	
LERNER AN GREENBERG, P.A. POST OFFICE BOX 2480 HOLLYWOOD, FL 33022-2480				PHAM, HAI CHI
		ART UNIT	PAPER NUMBER	
		2861		

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/728,386	LASSEN ET AL.	
	Examiner	Art Unit	
	Hai C. Pham	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 December 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 and 6-9 is/are rejected.  
 7) Claim(s) 4 and 5 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## FINAL REJECTION

### ***Duplicate Claims Objection***

1. Claim 8 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 7. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). In fact, claim 8 replaces “a recording material” and “an exposer” as recited in the base claim 1 from which claim 7 is dependent, with “a printing plate” and “an external drum exposer”, respectively, which are exactly what are defined in claim 7.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Okubo (JP 6-2705000).

Okubo discloses in Fig. 5 a print head positioning mechanism comprising an exposure head carrier having a carrier plate (sub-carrier 35) for holding the exposure heads (print heads 25), a carrier (carrier 30), and a hinge (e.g., revolving shaft 36)

connecting said carrier plate and said carrier base such that they can move (the arrow indicates movement of the print heads 25 with respect to the drum 20), said hinge having a fixed axis of rotation (fixed revolving shaft 36) extending axially along the exposure drum (platen or drum 20) and said hinge permitting a tilting movement of said carrier plate about said axis of rotation (the sub-carrier 36 being rotated about the fixed revolving shaft 36 so as to tilt the print heads 25 toward or far away from the drum 20) (English translation, paragraphs [0022]-[0024]).

Okubo further teaches:

- said exposure head carrier having a front side facing the exposure drum (20) and said hinge being disposed on said front side (see Fig. 5);
- said exposure head carrier having a tilting drive with which a rear of said carrier plate (sub-carrier 35) facing the exposure drum can be raised or lowered (the tilting drive in the form of the piezoelectric device 23 move the print heads 25 up and down when impressed by an electrical potential difference) (English translation, paragraph [0025]);
- by a tilting movement of said carrier plate (e.g., under the actuation of the piezoelectric device 23), the exposure heads can be moved jointly and substantially radially toward the exposer or away from the exposer (the print heads supported by the sub-carrier 35 through an extension arm pivot around the revolving shaft 36 under the actuation of the piezoelectric device 23 and thus moves jointly with the sub-carrier and radially toward the drum 20 or away from the drum);

- the recording material is a printing plate (printing form, not shown, mounted on the platen 20), and the exposer is an external drum exposer with an exposure drum (drum 20) for holding the printing plate.

### ***Allowable Subject Matter***

3. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of the allowability of claim 4 is the inclusion therein, in combination as currently claimed, of the limitation "a rotatably driven eccentric shaft connected to said carrier arms and to said rear of said carrier plate through said carrier arms", which is not found taught by the prior art of record considered alone or in combination.

The primary reason for the indication of the allowability of claim 5 is the inclusion therein, in combination as currently claimed, of the limitation "said hinge is formed of at least one spring plate", which is not found taught by the prior art of record considered alone or in combination.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-3 and 6-9 have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

6. Applicant's amendment, which changed the scope of each of the base claims, necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM  
PRIMARY EXAMINER

March 7, 2006